

September 26, 2019

Mr. Eric J. Chodnicki
Daft McCune Walker, Inc.
501 Fairmount Avenue
Suite 300
Towson, Maryland 21286

RE: Green Spring Valley Hunt Club,
Irrigation System Replacement
Forest Conservation Variance
Tracking # 02-19-3070

Dear Mr. Chodnicki:

A request for a special variance from Baltimore County's Forest Conservation Law was received by this Department of Environmental Protection and Sustainability (EPS) on August 29, 2019. The variance seeks approval to defer the application of the requirements of Article 33, Title 6, the Forest Conservation Law on this approximately 130.1-acre private country club property until such time as the individual parcels which comprise the property are tendered for development, redevelopment or construction activity. The Forest Conservation Law is being applied in conjunction with a pending grading plan that will temporarily disturb 7 acres of fairways, roughs and cart path shoulders to replace a forty year old failing irrigation system. The disturbance is a cut-and-cover construction activity that will primarily utilize vibratory plow, trencher and mini-excavator equipment to install the replacement irrigation system. No other construction or development activity is proposed at this time. Full compliance with the Forest Conservation Law would require 23.1 acres of afforestation, as only 0.2 acres of forest exist on the property's 116.6-acre net tract area.

The Director of EPS may grant a special variance to the Forest Conservation law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the three criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the

requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property. The applicant is seeking to replace an aging, maintenance and repair intensive irrigation system on a property that existed well prior to the effective date of the Forest Conservation Law. Application of the law would not only create an unwarranted hardship, as this property would incur a 23.1-acre afforestation requirement, but could deprive the applicant of current use of the property as a country club should the aging irrigation system suffer a catastrophic mechanical failure. Therefore, this criterion has been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. The reconfiguration and replacement of the aging irrigation system on this country club property is due to the unique circumstances associated with the property in use as the Green Spring Valley Hunt Club since 1892 as opposed to the general conditions in the surrounding neighborhood. Therefore, we find that this criterion has been met.

The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. No additional lots and parcels and/or redevelopment proposals are associated with the replacement of the irrigation system. Furthermore, the uses of the property will not change in conjunction with the current plan; thus, the essential character of the neighborhood will not be altered. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. Granting this variance would result in little actual disturbance to Forest Buffer areas and associated stream systems. Moreover, what is disturbed will be restored to original grade and stabilized by the end of each day, so water quality impacts will be minimized. Finally, the irrigation system installation will not impact any forest. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. The petitioner has not taken any actions necessitating this variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Permitting the deferral of the

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application of the requirements of the Forest Conservation Law for the replacement of the aging irrigation system that is within the improved portions of the property, where no forest impacts are proposed and where the existing uses predate the law from which relief is sought would be consistent with the spirit and intent the Forest Conservation Law. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code with the following conditions:

1. Any future development activity on this property shall be evaluated and a determination made by the EPS director as to the extent of compliance with Article 33, Title 6 of the Baltimore County Code at such time as said development proposal is submitted for Baltimore County approval.
2. All approval conditions of the companion alternatives analysis shall be met as prescribed therein to minimize impacts to water quality to ensure that the fourth criterion of this variance is met.
3. The irrigation system installation shall not impact any forest or specimen tree.
4. The following note must appear on all subsequent plans submitted for this project:
 - “A variance was granted on September 26, 2019, by the Baltimore County Department of Environmental Protection and Sustainability (EPS) from Article 33, Title 6, Forest Conservation to facilitate replacement of the aging irrigation system. The requirements of this Law are deferred until any future development activity is proposed, at which time the extent of compliance with Article 33, Title 6 shall be determined by the EPS director.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the appropriate Club representative sign the statement on the following page and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please contact Mr. Michael Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL/msk

I/we agree to the conditions enumerated in this approval letter to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

Representative's Signature

Date

Printed Name